

EXHIBIT “G”

Teresa Renita Burwell, 9344 Vista Waters Lane, Las Vegas, NV 89178 (702)810-2307, hisgracemyfavor@yahoo.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE: Teresa Renita Burwell)

Chapter 13

CASE NO: 23-12054-mkn

Debtor,)

NO HEARING REQUESTED

EX PARTE

DEBTOR, TERESA RENITA BURWELL'S EMERGENCY MOTION TO STAY
EVICITION PURSUANT TO BANKRUPTCY CODE 11 USC & 362

COME NOW, debtor, Teresa Renita Burwell, by and through her own counsel, does hereby petition this Honorable Court to stay all eviction attempts that the landlord, Signature Real Estate Group, and its affiliates have pursued and in violation of the Bankruptcy Code, 11 USC & 362. The debtor states the following:

MEMORANDUM OF POINTS AND AUTHORITIES

I HISTORY OF CASE

1. On May 22, 2023, hearings officer David Brown, dismissed the debtor/tenant's evidence of having sought rental assistance through the CHAP program, and in direct violation of AB486 (EXHIBIT 1)
2. Any tenant before the Court, and having a pending CHAP application, shall have an automatic stay granted, which is the exhibit provided. A known case where the tenant had a pending CHAP application and was granted an automatic stay.
3. However, in the case of the debtor, Teresa Renita Burwell, the bias and double standard availed, and a summary eviction request was granted.
4. On May 22, 2023, the debtor, Teresa R Burwell, filed in Bankruptcy Court, chapter 13. Her bankruptcy case was opened before any orders were signed and filed.

- 1 5. On May 22, 2023, at 4:45 pm, the debtor, Teresa Renita Burwell in the presence
2 of her son, filed a true and correct copy of the proof of bankruptcy filing with the
3 Clark County Justice Court. (**Exhibit 2**)
- 4 6. On May 22, 2023, at 5:15 pm the debtor, Teresa Renita Burwell provided the
5 Constable's Office the same, a copy of the filed Motion to Stay, which was only
6 designed to put the Justice Court on notice. The tenant never expected to get a
7 Stay due to the circumstances surrounding the actual summary eviction court
8 date. Nonetheless, filed it to prevent a lock out occurring.
- 9 7. From May 22, 2023, to present, the debtor, Teresa Renita Burwell and her son
10 have been harassed with scare tactics, and continual notice postings.
- 11 8. The debtor, Teresa Renita Burwell, made note early on that there were two court
12 case numbers for the same summary eviction and noted such on the FILED
13 paperwork, with the Clark County Justice Court.
- 14 9. Upon a person filing for bankruptcy, the bankruptcy court has full jurisdiction of
15 the debtor's filings, financial interests, creditor claims, and requests for relief.
- 16 10. In this case, the meeting of the creditors was held July 11, 2023, at which time
17 the landlord, Signature Real Estate Group had not completed a proof of claim,
18 nor filed one. Signature Real Estate Group was not present at the meeting of the
19 creditors either and has shown no interest and activity but with the Court whom
20 1. Has no jurisdiction 2. Will be willing to dismiss the rules of civil procedure.
- 21 11. At no time has Signature Real Estate Group filed with the bankruptcy Court any
22 motions or requests for relief from the automatic stay.
- 23 12. Present day, Signature Real Estate Group insists on violating Bankruptcy Code
24 11 USC & 362 by continued collection and eviction efforts; all while refusing to
25 seek relief from the proper and Court with jurisdiction.
26
27
28

1 13. The debtor, Teresa Renita Burwell, has still a pending CHAP application. Her son
2 has applied for a grant to assist with the back rent, and received an email
3 requesting address information for payment of such.

4 14. The debtor is aware of the need to pay rent. However, her situation has been
5 very dire and difficult. The rent was increased December 2022 to \$2,241; at
6 which time social security benefits were suspended but have been reinstated.

7 15. The justice court hearings officer for reasons of bias and prejudice, refused to
8 hear the debtor's defenses.

9 16. While a stay does not vacate the responsibility of rent. It does, however, provide
10 some relief and protection.

11 17. Which in this case, the debtor, Teresa Renita Burwell, filed a bankruptcy chapter
12 7 in January which was premature; and subsequently she filed a chapter 13 May
13 22, 2023; which puts an automatic stay into effect immediately for all creditors.
14

15 18. The Clark County Justice Court was given proper notice of the bankruptcy filing
16 on May 22, 2023 by means of a filing done in person and online through their e-
17 file service.

18 19. All attempts to evict the debtor, Teresa Renita Burwell were and have been
19 stayed, until an eviction service filed a Motion the debtor, Teresa Renita Burwell
20 did not have proper notice to answer or file an opposition in response to.

21 20. On July 12, 2023 the Justice Court re-issued a summary eviction order, after
22 having the bankruptcy information being filed and noted. However, someone in
23 the Clark County Justice Court deleted the history for the summary eviction case,
24 to have it appear as if proper notice wasn't given when two things occurred. 1. A
25 filing with the Bankruptcy Court information was taken in person on May 22, 2023
26 at around 4:45 pm, 2. The attached order denying the stay signifies the court is
27
28

1 aware of a bankruptcy court filing due to the same judge's signature being on
 2 both the order and re-issued summary eviction order. (Exhibit 3)

3 II CONCLUSION

4 The landlord and creditor, Signature Real Estate Group has the right to seek rent
 5 payments and remedy. However, the bankruptcy code 11USC &362 provides that all
 6 action(s) to collect must be halted, or in other words, stayed. The only way to
 7 remedy an automatic stay is to seek relief from the presiding court, with jurisdiction
 8 by means of a motion, and upon a hearing being set, proceedings are governed as
 9 such. The creditor and landlord, Signature Real Estate Group at no time has sought
 10 relief from the automatic stay and has instead relied on the tactics of mischief and
 11 falsifying records to seek an illegal lockout and eviction.

12 For this cause, debtor, Teresa Renita Burwell, seeks an emergency stay from this
 13 Honorable Court, not to vacate the rent owed, but to remedy the existence of her
 14 being illegally evicted due to the reliance on the Justice Court, whom has no
 15 jurisdiction over this matter, being that Signature Real Estate Group is listed as a
 16 creditor in BK case 23-12054-mkn. That Signature Real Estate Group be made to
 17 follow the correct process by filing for such relief with this Honorable Court. That the
 18 lockout order be vacated immediately.

19 Dated this 17th day of July 2023

20 Respectfully submitted by: Teresa Renita Burwell

21
 22
 23 ~~II THE LAW AS IT APPLIES~~ mb

24 ~~BANKRUPTCY CODE 11-USC&362~~

25
 26
 27
 28

[Back to List of exhibits](#)

Exhibit 2

Order Denying Summary Eviction

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

Signature Real Estate Group,
Landlord(s)CASE NO.: 23E011552
DEPT. NO.: JC CIVIL EVICTIONS

vs.

Teresa R Burwell; Trevon Latchinson,
Tenant(s)ORDER REGARDING
MOTION TO STAY

This matter came before the Court on the Tenant's Motion to Stay Order For Summary Eviction. The Court has reviewed the pleadings and documentation on file herein and finds as follows:

IT IS HEREBY ORDERED:

☐ The Motion is GRANTED. The eviction order entered herein is stayed until the ____ day of _____, 20____, at the hour of _____m.

☐ The Motion is GRANTED. The eviction is stayed pending hearing on Tenant's Motion to Set Aside Summary Eviction.

☐ The Motion is GRANTED. The eviction is stayed pursuant to AB 486 based upon Tenant's pending rental assistance application. Tenant submitted a completed application on _____, Clark County Social Services is currently reviewing applications that were completed on _____. The Landlord may pursue this action through a Motion to Place to on calendar filed after _____. Motions filed before this date may be summarily denied. If Landlord receives rental assistance payment on behalf of Tenant, Landlord must file a motion to rescind the summary eviction order and dismiss the case.

☐ The Motion shall be heard on the ____ day of _____ 20____ at _____m. in Courtroom _____, Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV 89155. The eviction is stayed pending hearing.

☐ The Motion is DENIED. The Tenant is not eligible for an affirmative defense or stay of case pursuant to AB 486. The Court finds the Tenant does not have a "pending application for rental assistance" as defined in Section 2 of AB 486 as the application was not submitted in good faith, is not being actively pursued, or the Court has verified there is no pending application.

☐ The Motion is DENIED. The Court finds no good cause to stay execution of the summary eviction order.

☐ The Motion is DENIED. This Motion is not the proper method of challenging the basis for the eviction order.

☐ The Motion is DENIED. The maximum statutory stay period of ten (10) days has already expired since the date of the eviction order.

☐ The Motion is DENIED. The motion is moot as the summary eviction order has been set aside.

☐ The Motion is DENIED. The Tenant has already filed a Motion to Stay asserting the same grounds that has been ruled upon. Successive filings are not authorized pursuant to LVJCLRP 6.4(e).

DATED this 23rd day of May, 2023.

*Denied - Summary
eviction issued May 22, 2023
at 2:22 PM. Tenant
filed bankruptcy in May 22, 2023
at 3:46 PM.*

Amy Ferreira
Amy Ferreira
HEARING MASTER

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

Signature Real Estate Group,
Landlord(s)CASE NO.: 23E011552
DEPT. NO.: JC CIVIL EVICTIONS

vs.

Teresa R Burwell; Trevon Latchinson,
Tenant(s)ORDER REGARDING
MOTION TO STAY

This matter came before the Court on the Tenant's Motion to Stay Order For Summary Eviction. The Court has reviewed the pleadings and documentation on file herein and finds as follows:

IT IS HEREBY ORDERED:

☐ The Motion is GRANTED. The eviction order entered herein is stayed until the ____ day of ____, 20__, at the hour of ____m.

☐ The Motion is GRANTED. The eviction is stayed pending hearing on Tenant's Motion to Set Aside Summary Eviction.

☐ The Motion is GRANTED. The eviction is stayed pursuant to AB 486 based upon Tenant's pending rental assistance application. Tenant submitted a completed application on _____. Clark County Social Services is currently reviewing applications that were completed on _____. The Landlord may pursue this action through a Motion to Place to on calendar filed after _____. Motions filed before this date may be summarily denied. If Landlord receives rental assistance payment on behalf of Tenant, Landlord must file a motion to rescind the summary eviction order and dismiss the case.

☐ The Motion shall be heard on the ____ day of _____ 20__ at _____m. in Courtroom ____, Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV 89155. The eviction is stayed pending hearing.

☐ The Motion is DENIED. The Tenant is not eligible for an affirmative defense or stay of case pursuant to AB 486. The Court finds the Tenant does not have a "pending application for rental assistance" as defined in Section 2 of AB 486 as the application was not submitted in good faith, is not being actively pursued, or the Court has verified there is no pending application.

☐ The Motion is DENIED. The Court finds no good cause to stay execution of the summary eviction order.

☐ The Motion is DENIED. This Motion is not the proper method of challenging the basis for the eviction order.

☐ The Motion is DENIED. The maximum statutory stay period of ten (10) days has already expired since the date of the eviction order.

☐ The Motion is DENIED. The motion is moot as the summary eviction order has been set aside.

☐ The Motion is DENIED. The Tenant has already filed a Motion to Stay asserting the same grounds that has been ruled upon. Successive filings are not authorized pursuant to LVJCLRP 6.4(e).

DATED this 23rd day of May, 2023.

*Denial - Summary
eviction issued May 22, 2023
at 2:22 PM. Tenant
filed bankruptcy on May 22, 2023
at 3:46 PM.*

Amy Ferreira
Amy Ferreira
HEARING MASTER

0003

1 AMBERLEA DAVIS, BAR NO. 11551
2 SOUTHERN NEVADA EVICTION SERVICES
3 501 S. 6th STREET
4 LAS VEGAS, NV 89101
5 TELEPHONE: (702) 380-4274
6 adavis@vegas-evictions.com
7 *Attorney for Plaintiff*

8
9 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

10 COUNTY OF CLARK, STATE OF NEVADA

11 SIGNATURE REAL ESTATE GROUP,)

12 Plaintiff,)

) CASE NO. 23E011552

) DEPT. JCE

13 SA BURWELL; TREVON LATCHINSON)
14 ALL OCCUPANTS)

15 Defendants)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

PLAINTIFF'S MOTION TO RE-ISSUE ORDER FOR SUMMARY EVICTION

16 Plaintiff SIGNATURE REAL ESTATE GROUP requests that the Court re-issue an
17 Order for Summary Eviction in this case as the order has gone stale.

18 This Motion is made and based upon the attached memorandum of points and authorities
19 filed and served herewith, the pleadings and papers on file with this Court and the argument of
20 counsel at the hearing on this matter.

21 DATED July 6, 2023.

22 RESPECTFULLY SUBMITTED:

23 */s Amberlea Davis*

24 BY: _____

25 AMBERLEA DAVIS #11551
501 S. 6th St. Las Vegas, NV 89101
TELEPHONE: (702) 380-4274
Attorney for Plaintiff

1
2 For the foregoing reasons, Plaintiff requests that the Court re-issue an Order for Summary
3 Eviction in the instant case.

4 DATED July 6, 2023.

5
6 RESPECTFULLY SUBMITTED:

7 /s/ Amberlea Davis

8 BY: _____

AMBERLEA DAVIS NV BAR 11551
501 S. 6th Street Las Vegas, NV 89101
TELEPHONE: (702) 380-4274
ATTORNEY FOR PLAINTIFF

[Back to List of exhibits](#)

Exhibit 1

2023-07-06 Bk cases
Burwell

Select a Case

There were 5 matching persons.

There were 7 matching cases.

Name	Case No.	Case Title	Chapter / Lead BK case	Date Filed	Party Role	Date Closed
BURWELL, TERESA (pty) (2 cases)	<u>15-14405-mkn</u>	TERESA RENITA BURWELL	7	07/31/15	Debtor	04/05/22
	<u>18-01030-mkn</u>	BURWELL v. MEADOW MESA APARTMENTS, L.P. et al	Lead BK: 15- 14405-mkn TERESA RENITA BURWELL	04/06/18	Plain	
BURWELL, TERESA RENITA (pty) (1 case)	<u>09-10040-mkn</u>	TERESA RENITA BURWELL	7	01/05/09	Debtor	10/23/09
BURWELL, TERESA RENITA (pty) (1 case)	<u>19-11354-mkn</u>	TERESA RENITA BURWELL	13	03/11/19	Debtor	07/08/19
BURWELL, TERESA RENITA (pty) (2 cases)	<u>23-10056-mkn</u>	TERESA RENITA BURWELL	7	01/09/23	Debtor	04/17/23
	<u>23-12054-mkn</u>	TERESA RENITA BURWELL	13	05/22/23	Debtor	N / A
BURWELL, TERESA RENITA (pty) (1 case)	<u>19-13836-mkn</u>	TERESA RENITA BURWELL	13	06/17/19	Debtor	12/27/19

PACER Service Center			
Transaction Receipt			
07/06/2023 15:02:42			
PACER Login:	amberleadavis	Client Code:	
Description:	Search	Search Criteria:	LName: Burwell FName: teresa
Billable Pages:	1	Cost:	0.10

0001

List of exhibits

	Description	Pages
1	2023-07-06 Bk cases Burwell	0001-0002
2	Order Denying Summary Eviction	0003

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF PLAINTIFF'S MOTION TO RE-ISSUE ORDER**

I.

FACTUAL BACKGROUND

On April 19, 2023, Plaintiff filed his Affidavit of Complaint for Summary Eviction. At a hearing on May 22, 2023 an Order for Summary Eviction was granted at 2:22 pm. Tenant Burwell the bankruptcy filed for Chapter 13 protection at 3:46 pm in case 23-12054-mkn. This most recent case was Tenant Burwell's 7th bankruptcy case. [Exhibit 1, List of Bankruptcy Cases] In January 2023, Tenant Burwell had sought Chapter 7 protection in case 23-10054 but due to her receipt of a discharge in a prior cases was ineligible for a discharge and was closed on April 17, 2023. Immediately after filing the eviction, Tenant filed a motion to stay the eviction and the next day Tenant filed documents in support of her motion. On May 24, 2023, Hearing Master Ferreira denied Tenant's motion to stay, deciding that the bankruptcy was subsequent to the order for eviction. [Exhibit 2, Order] The Order for Summary Eviction was again sent to the constable, however, the Constable refused to evict the Tenants citing notice of bankruptcy. The Tenants remains in the property. Since more than thirty days have passed since the original Order for Summary Eviction was issued, the Constable will not re-attempt lock-out without a new order from this Court.

II.

LEGAL ARGUMENT

Plaintiff is requesting the Court re-issue an Order for Summary Eviction, and forward it to the Las Vegas Constable, so that the lock-out can occur. The May 30th Order has become stale. The situation was not caused by any negligence or inaction by Plaintiff and therefore re-issuing an Order for Summary Eviction would be in the interest of Justice.